IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

)
ROBERT BOSCH LLC,)
Plaintiff,)) C.A. No. 08-542-SLR
vs.)
PYLON MANUFACTURING CORP.,)
Defendant.)
)

JOINT MOTION TO VACATE AND DISMISS, AND FOR AN INDICATIVE RULING

The parties have reached a confidential agreement with respect to the disposition of this action (the agreement is Ex. B to this motion, filed separately and under seal). The parties consequently jointly move the Court to:

- (1) Vacate the jury verdicts and all orders and decisions adverse to Bosch, including specifically (i) the Court's rulings granting summary judgment of non-infringement of the '512 patent (D.I. 271 and 272) and construing the claims of the '512 patent (D.I. 270), (ii) the jury verdict and the Court's ruling on Bosch's motion for JMOL or for a new trial concerning non-infringement of claim 7 of the '434 patent (D.I. 299, 360, and 361) and claim construction of claim 2 of the '974 patent (D.I. 270), and (iii) the jury verdict and the Court's ruling on Bosch's motion for JMOL or for a new trial with respect to the derivation of claim 1 of the '974 patent (D.I. 299, 360, and 361);
- (2) Dismiss Bosch's claims for patent infringement, and Pylon's declaratory-judgment counterclaims, without prejudice; and

(3) Retain jurisdiction to enforce the provisions of the confidential agreement that is Exhibit B.

The Court's judgment for Bosch and against Pylon on Pylon's counterclaim for patent infringement would be unaffected by this order and would remain final.

Because appeals to the Court of Appeals for the Federal Circuit have been docketed and remain pending, the parties further jointly request that the Court enter an indicative ruling, pursuant to Fed. R. Civ. P. 62.1(a)(3), stating that it would grant this joint motion if the Court of Appeals remands for that purpose.

A proposed order is attached as Ex. A.

Respectfully submitted,

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Dated: October 4, 2013

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